

DR 67-2 - Concrete & Asphalt Mixing
Plants as a Temporary Use in other
than industrial districts - Amendment
to Co. Zoning Resolution, Section 11-
Supplemental Regulations

B-557/B. 00. 0. 1
B.C.C. Approved as 4-5-67
advertised

Closed 4-5-67

ACTION

DATE

COMMITTEE

Maps Authorize for P. H. 1-26-67

M.A.P.C. *Approve as adver.* 3-9-67

~~B.C.C./B. CO. C.~~ *Defer 2 weeks* 3-29-67

B.C.C. Approved as 4-5-67
advertised

Closed 4-5-67

DR 67-2 - Concrete & Asphalt Mixing
Plants as a Temporary Use in other
than Industrial districts - Amendment
to Co. Zoning Resolution, Section 11 -
Subsequent 11 Resolutions

R E S O L U T I O N

A RESOLUTION CHANGING THE SEDGWICK COUNTY ZONING RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS AND EFFECTIVE AFTER MARCH 3, 1958, WITH AMENDMENTS TO JANUARY 14, 1967, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE MILES OF THE CITY OF WICHITA, THE CITY OF HAYSVILLE, AND THE CITY OF DERBY, ALL IN SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 14.C THEREOF.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION I. That upon the recommendation of the Metropolitan Area Planning Commission on March 9, 1967, after notice and public hearing as provided by law, under authority granted by Section 14.C of the Sedgwick County Zoning Resolution as adopted March 3, 1958, the following sections of the Sedgwick County Zoning Resolution are hereby amended to read as follows:

SECTION 1 - DISTRICTS AND GENERAL REGULATIONS

1. That portion of Sedgwick County, Kansas, between the Wichita City Limits and three (3) miles beyond; and between the Haysville City Limits and three (3) miles beyond; and between the Derby City Limits and three (3) miles beyond; and between the Mulvane City Limits and three (3) miles beyond, is hereby divided into eight (8) districts as follows:

<u>Symbol</u>	<u>Name</u>
"R" District	Rural Residential District
"R-1" District	Suburban Residential District
"AA" District	One-Family Dwelling District
"BB" District	Office District
"LC" District	Light Commercial District
"C" District	General Commercial District
"E" District	Light Industrial District
"F" District	Heavy Industrial District

2. The location and boundaries of the districts shall be as shown on the map entitled "Sedgwick County Zoning Plan", said map and all notations, dimensions and designations shown thereon are hereby declared to be a part of this Resolution.
3. Where there is uncertainty as to the boundaries of any of the districts shown on the aforesaid map, the following shall apply:
 - A. The district boundary lines are intended to follow street, alley, lot or property lines as they exist at the time of the passage of this Resolution, unless otherwise indicated by dimensions on the Zoning Map. In case of the vacation of a street, alley, watercourse or other right-of-way, the abutting zoning classi-

fication on each side thereof, shall automatically be extended to the center line of said vacated street, alley, watercourse or right-of-way.

- B. Where boundaries appear to approximately follow such aforesaid lines and are not more than ten (10) feet distance therefrom, such lines shall be construed to be the boundary.

4. General Regulations.

- A. The regulations herein set forth do not apply to the use of land or the erection, construction, alteration, or use of buildings for strictly agricultural purposes. All residences shall conform to the provisions of these regulations.
- B. Except as hereinafter provided, it shall be unlawful to locate, erect, construct, reconstruct, enlarge or structurally alter any building except in conformity with the regulations of the district in which such building is located.
- C. Except as hereinafter provided, it shall be unlawful to use any land or building for any purpose other than is permitted in the district in which such land or building is located.
- D. No open space provided about any building for the purpose of complying with the provisions of this Resolution shall be considered as providing open space for any other building.
- E. No parcel of land held under one (1) ownership, with or without buildings, at the time this Resolution became effective shall be reduced nor shall any such parcel be subdivided, in any manner, below the minimum lot width and lot area required by this Resolution.
- F. Prior to the issuance of any occupancy or building permit, streets and utility easements must be dedicated as required to conform with the objectives of this State Statute and G.S. 13-1112 et seq., to secure safety from fire, to promote health and general welfare, to facilitate adequate provisions of transportation and other public requirements, and to conserve and protect property and building values.
- G. In no case shall there be more than one (1) main residential building on one (1) lot.

- H. Within a period of no more than one hundred twenty (120) days subsequent to the inclusion of additional territory within the three-mile boundary, the Commission shall initiate action to assign the most suitable zoning classification to that territory; such zoning classification to be determined by the Governing Body of Sedgwick County after the appropriate public hearing as prescribed in Section 14.C of the Zoning Resolution, Sedgwick County, Kansas, effective March 3, 1958, and subsequent amendments thereto.

SECTION 11 - SUPPLEMENTAL REGULATIONS

- A. **ACCESSORY STRUCTURES:** All accessory structures shall be subject to the following:
1. No accessory structure shall be located nearer to the front lot line than the main building.
 2. No accessory structure shall be located nearer to the rear lot line than five (5) feet, except that they shall not be less than ten (10) feet from the center of any platted or dedicated alley.
 3. In no event shall an accessory structure be located on any platted or recorded easement, alley or public way, or over any known utility.
 4. When located on a corner lot, the rear of which abuts upon the side of another lot, said accessory building shall not project beyond the front yard setback line required on the lot in the rear of such corner lot.
 5. No accessory use shall be located on any lot which shall reduce the required off-street parking or loading spaces.
 6. Accessory structures may not be erected or constructed to a height greater than that equal to sixty percent (60%) of the maximum height permitted in the district in which located.
 7. Accessory structures may not occupy more than one-half (1/2) of a rear yard or one-half (1/2) of a side yard.
 8. **Exception:** The Board of Zoning Appeals may grant exceptions to the height, area, setback and location provisions for accessory structures by the method provided in Section 13 of this Resolution, provided that:

- a) Adequate access to the land is maintained for fire and police protection.
- b) Adequate access is maintained for the service of utilities.

Appropriate conditions or requirements may be made by the Board to preserve the general character of the neighborhood, area or development and to provide for the public safety, health, convenience and general welfare.

9. Any accessory structure constructed or erected under any permit issued by the Board of County Commissioners or their authorized agent, or under the provisions of the Zoning Resolution or any of its provisions in effect prior to November 30, 1961, may continue to exist and be maintained for a period of twenty-five (25) years from that date; and at which time such accessory structure shall be removed or shall be made to conform to all provisions of the then existing ordinance or code governing accessory structures.

B. AUTOMOBILE PARKING AND LOADING:

1. Parking Space:

For the purpose of this Section, required parking space shall not occupy any part of any required front yard in the "R", "R-1", "AA" or "BB" Districts, except as indicated in Transitional Uses, and then may not occupy more than one-half (1/2) of any required front yard setback. Parking space, when open, may be included as a part of a required open space for a side or rear yard.

Off-street parking space, as required in this Section, shall be provided for all new buildings and structures and for additions to existing buildings or structures. The word "addition", as used above, shall include any alteration intended to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area, or seats. Required parking space shall not include existing parking space and such space shall be maintained and shall not be encroached upon so long as main buildings or structures remain, unless an equivalent number of such spaces are provided elsewhere in conformance with this Resolution. The parking spaces required for dwellings shall be located on the same site as the main building. The parking space required for other uses shall be located on the same site or within six hundred sixty (660) feet of such use, the distance to be measured along lines of public access.

Number and Size of Spaces

In the interpretation of the following requirements, ingress and egress drives to the parking lots shall be excluded.

There shall be provided at the time of the erection or enlargement of any main building or structure, minimum off-street parking spaces with adequate provision for ingress and egress by standard-size automobiles as follows:

Type of Buildings

Spaces Required

Dwellings (One and Two-Family)

One (1) space for each housekeeping unit,
plus one (1) space for each two (2) lodgers
or boarders

200 sq. ft.

Hotel, Club, Motor Court

One (1) space for each housekeeping unit or
suite of rooms for first twenty (20) units;
one (1) for each four (4) dwelling units or
suite of rooms in excess of twenty (20)

250 sq. ft.

Auditoriums, Theaters, Churches, Stadiums, and
other similar places of public assembly

One (1) space for each five (5) seats, based
on maximum seating capacity

250 sq. ft.

Doctor's Office, Clinic

One (1) space for each doctor, nurse, tech-
nician and employee, plus one (1) space for
each five hundred (500) square feet of floor
area

250 sq. ft.

Hospitals, Philanthropic and Eleemosynary In-
stitutions

One (1) space for each five (5) beds, plus
one (1) space for each five (5) employees
in the largest working shift in a twenty-
four (24) hour period

250 sq. ft.

Schools (Private and Public)

Elementary

One (1) space for each teacher and employee
at capacity

250 sq. ft.

Intermediate

One (1) space for each teacher and employee
at capacity
250 sq. ft.

High and College

One (1) space for each teacher and employee,
plus one (1) space for each ten (10) stu-
dents at capacity
250 sq. ft.

Private Club, Fraternity and Sorority Houses

One (1) space for each one hundred fifty
(150) square feet of floor area
250 sq. ft.

**Office and Commercial Buildings as permitted in "BB", "LC" and "C" Districts, including govern-
mental, public utility and other similar build-
ing**

One (1) space for each two hundred fifty (250)
square feet of floor area in "LC". One (1)
space for each two hundred fifty (250) square
feet of floor area in "C" or one (1) space
for every three (3) employees in the largest
working shift in a twenty-four (24) hour
period, whichever is the greater. Whenever
a land area of forty thousand (40,000) square
feet, or more, is developed under one (1)
ownership, management or direction, and which
area contains mixed uses, there shall be pro-
vided two (2) spaces for each two hundred
fifty (250) square feet of building floor
area.

250 sq. ft.

Industrial Buildings

One (1) space for every three (3) employees
in the largest working shift in a twenty-four
(24) hour period

250 sq. ft.

2. Loading Area:

Permanently maintained usable off-street loading
area of three hundred (300) square feet per space
shall hereafter be provided on the same lot when
structures for the following uses are erected,
established or expanded:

Building Type**Relation of Required Space to Gross Floor
Area**

(a) Hospitals and institutions with a gross floor
area of 10,000 square feet or more, exclusive
of ambulance space

One (1) space for each one hundred
thousand (100,000) square feet or
fraction thereof

- (b) Hotels and office buildings with a gross floor area of ten thousand (10,000) square feet or more
 - One (1) space for each one hundred thousand (100,000) square feet or fraction thereof
- (c) Undertakers and funeral parlors
 - One (1) space for each five thousand (5,000) square feet or fraction thereof
- (d) All other commercial and industrial uses with a gross floor area of five thousand (5,000) square feet or more
 - One (1) space for each twenty-five thousand (25,000) square feet or fraction thereof for the first one hundred thousand (100,000) square feet. One (1) additional space for each fifty thousand (50,000) square feet or fraction thereof more than one hundred thousand (100,000) square feet

3. Improvements:

- (a) Every parcel of land hereafter used as a public parking area, automobile and trailer sales area, or loading space shall be improved to the following minimum standard: Paved or otherwise surfaced with an all-weather surface treated to prevent dust.
 - (b) Where any parking area or loading spaces are required in "LC", "C", "E", or "F" Districts or for automobiles or trailer sales areas, adjoins a lot in "R", "R-1", "AA" or "BB" Districts, such lot shall be protected the full length of the parking area or loading spaces (but not closer than 15 feet to any street lot line), by a permanent screen of solid wall, compact evergreen screen, or uniformly painted board fence, or woven wire fence, having a height of not less than four feet (4') nor more than six feet (6'), erected and maintained by the owner or user of such parking area or loading space.
 - (c) Any lights used to illuminate such areas shall be so arranged as to reflect the light away from adjoining premises in an "R", "R-1", "AA" or "BB" District.
4. When such parking area is located wholly or partly in an "R", "R-1", or "AA" District as a transitional use, the following regulations shall apply in addition to the above:

- (a) No commercial enterprise of any kind shall be established on said parking area.
- (b) No fee shall be charged for parking thereon.
- (c) No signs of any kind shall be erected, except those necessary for the orderly parking thereon.

C. TOURIST CAMPS, TRAILER COURTS AND MOBILE HOME PARKS

- 1. No tourist camp shall be hereafter permitted in any district except as provided in Section 8 of this Resolution; and until the proposed development is approved and a permit is issued by the Wichita-Sedgwick County Department of Public Health.
- 2. Application for approval by the Wichita-Sedgwick County Department of Public Health shall be made in writing to and on forms provided by said Department.
- 3. The development of tourist camps shall comply with the recommendations of the Wichita-Sedgwick County Department of Public Health.
- 4. No trailer courts or mobile home parks shall hereafter be permitted in any district except as provided in Sections 3, 4, 5, 6, 7 and 8 of this Resolution.

D. FRONT YARDS

- 1. On lots and lands abutting the following roads, no building shall hereafter be erected, enlarged, or reconstructed to extend nearer to the center line of the right-of-way than one hundred fifty (150) feet:
 - (a) U. S. 54 East
 - (b) U. S. 54 West
 - (c) K-15 South of the City of Wichita.
- 2. On lots and lands abutting the following roads, no building shall hereafter be erected, enlarged, or reconstructed to extend nearer to the center line of the right-of-way than one hundred (100) feet:
 - (a) U. S. 81
 - (b) K-42 Southwest of the City of Wichita
 - (c) All of Rock Road.
- 3. On lots and lands abutting the following roads, no building shall hereafter be erected, enlarged, or reconstructed to extend nearer to the center line of the right-of-way than seventy-five (75) feet:

(a) All section-line roads or portions thereof not previously named, except as set out in Section 11.D.4.

4. On lots and lands abutting MacArthur Road from Highway K-42 to K-15 no building shall hereafter be erected, enlarged or reconstructed nearer than fifty (50) feet to the proposed right-of-way lines for said MacArthur Road as the same are shown on "Master Plan for Development of MacArthur Road" as approved and adopted by the Board of County Commissioners, Sedgwick County, Kansas, on December 8, 1959; and made a part hereof.

E. CONDITIONAL USES

1. The Governing Body may, by special permit and subject to such restrictions as it deems necessary, permit conditional uses as outlined in the various districts where such uses are deemed essential or desirable to the public convenience, or welfare; provided, however, that the Governing Body shall not issue such permit until after a public hearing shall have been held before the Metropolitan Area Planning Commission in accordance with the provisions of Sections 14.A.2 and 14.C of this Resolution.
2. Conditional Uses existing at the time of adoption of this Resolution or which may become Conditional Uses by virtue of a subsequent amendment to this Resolution may be continued and will be considered as a permitted use; provided, however, that any enlargement of the land area or structure of such uses existing at the time of the adoption of this Resolution shall require a Conditional Use Permit.
3. Written applications for the approval of the uses referred to in this Section shall be filed in the Commission's Office upon forms prescribed for that purpose by the Commission. Applications must be accompanied with a certified list of property owners of record, and their addresses, if available, and in cases where not available, then the addresses of the occupant of the premises, if tenanted, in all directions from the subject property for a distance of twice the frontage of the property included in the application; provided, no distance need be more than one thousand (1,000) feet and cannot be less than two hundred (200) feet. The procedure for holding public hearings shall be the same as that required in Sections 14.A.2 and 14.C.

If, from the facts presented, the Commission finds that the public health, safety, morals, order, convenience, prosperity or general welfare require the approval of the conditional use requested, or any portion thereof, the Commission shall recommend such conditional use requested to the Board of County Commissioners; otherwise it shall recommend denial of the application. The Commission shall immediately proceed to make its findings and issue a determination in writing in not more than sixty (60) days from the date of filing of any application for a conditional use permit. Provided, however, that upon consent of the applicant, the Commission may defer making its findings for a period of not to exceed an additional thirty (30) days.

The Board of County Commissioners shall approve or disapprove any approval or disapproval recommended within thirty (30) days of the date of submission to them. Provided, however, that upon consent of the applicant, the Board of County Commissioners may defer its approval or disapproval for a period of not to exceed an additional thirty (30) days.

If the Commission recommends against the conditional use requested, or in the case of a written protest filed with the County Clerk within ten (10) days after the Planning Commission hearing, against any proposed change or amendment, signed and acknowledged by the owners of twenty percent (20%) of the total area within one thousand (1,000) feet (excepting public streets and ways) of the area proposed to be altered, or by the owners of twenty percent (20%) of the area (excepting public streets and ways) proposed to be altered, such conditional use may not be passed except by the favorable vote of all members of the Board of County Commissioners.

F. SPECIAL PERMIT

The Governing Body may, by special permit and subject to such restrictions as it deems necessary, permit the following uses to be located in any district:

1. Any public structure, installation or use erected and used by any department of the City, County, State or Federal Government, or any building or other structure erected and used by any public utility or improvement district, subject to F.3. below.

2. As a temporary use, not to exceed the life of the contract, concrete and asphalt mixing plants, and accessory construction yards and buildings, provided they are associated with a contract with any department of the City, County, State or Federal Government, and subject to F.3. below.
3. The Governing Body shall not issue a special permit for the uses in F.1. and F.2. above until after the Metropolitan Area Planning Commission reviews the request and makes a recommendation to the Governing Body; and until the provisions of Section 14.A.2. of this Resolution have been complied with.

G. FALLOUT SHELTERS

Fallout shelters are permitted as accessory structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately. Such shelter shall not be used for principal or accessory uses prohibited expressly or by implication in the district.

The Board of Zoning Appeals may permit, as an exception, construction of joint shelters by two (2) or more property owners. Where such joint shelters are permitted, the Board may waive the side and rear yard requirements on the property or properties directly involved in the construction of the joint shelter to the extent necessary to permit practical and efficient location and construction; provided, however, that side and rear yard requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

SECTION II. That Section 1 of the Sedgwick County Zoning Resolution, as adopted on March 3, 1958, and last amended on December 17, 1965, is hereby repealed.

SECTION III. That Section 11 of the Sedgwick County Zoning Resolution, as adopted on March 3, 1958, and last amended on October 12, 1962, is hereby repealed.

SECTION IV. This Resolution shall take effect and be enforced from and after its adoption and publication in the official County paper.

PASSED AND ADOPTED this 22nd day of March,
1967.

Tom Scott Chairman
Elmer Peter Commissioner
Carl C. Rush Commissioner

ATTEST:

Marie Warden
Marie Warden, County Clerk
By Shirley Darkley
Deputy
(SEAL)

March 15, 1967

Board of County Commissioners
320 Sedgwick County Courthouse
Wichita, Kansas 67203

Gentlemen:

Re: DR 67-2 - Amendment to the
County Zoning Resolution
regarding concrete and asphalt
mixing plants

The Planning Commission, on January 26, 1967, authorized the Planning Department to prepare an amendment to the County Zoning Resolution permitting concrete and asphalt mixing plants as a temporary use in other than the industrial districts. Attached for your consideration is a copy of the official notice of the proposed amendment to Section 11 - Supplemental Regulations.

On March 9, 1967, the Metropolitan Area Planning Commission recommended to the County Commission that Section 11 of the County Zoning Resolution be amended as advertised.

We request that this matter be scheduled for your regular meeting on March 22, 1967.

Respectfully submitted,

C. Bickley Foster
Secretary

CBF:JHG:ber
Attachment

March 2, 1967

Planning Commission Members

Jack H. Galbraith, Senior Planner

DR 67-2 - Amendment to the County Zoning Resolution
regarding concrete and asphalt mixing plants

As you will recall, at the meeting of the Planning Commission on January 26, 1967, the Commission authorized the staff to prepare an amendment to the County Zoning Resolution permitting concrete and asphalt mixing plants as a temporary use in other than the industrial districts. Attached for your consideration is a copy of the Official Notice of the proposed amendment to Section 11 - Supplemental Regulations. This matter is scheduled for your regular meeting of March 9, 1967.

JHG:ber

Attachment

WOR 67-2

() (Published in The Wichita Beacon on February 21, 1967)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on March 9, 1967, at 2:00 P.M., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, will consider the following proposed changes to the text of the Zoning Resolution, Sedgwick County, Kansas:

SECTION 11 - SUPPLEMENTAL REGULATIONS.

Amend Subsection F. to read as follows:

F. Special Permit. The Governing Body may, by special permit and subject to such restrictions as it deems necessary, permit the following uses to be located in any district:

1. Any public structure, installation or use erected and used by any department of the City, County, State or Federal Government, or any building or other structure erected and used by any public utility or improvement district, subject to F.3. below.
2. As a temporary use, not to exceed the life of the contract, concrete and asphalt mixing plants, and accessory construction yards and buildings, provided they are associated with a contract with any department of the City, County, State or Federal Government, and subject to F.3. below.
3. The Governing Body shall not issue a special permit for the uses in F.1. and F.2. above until after the Metropolitan Area Planning Commission reviews the request and makes a recommendation to the Governing Body; and until the provisions of Section 14.A.2 of this Resolution have been complied with.

The proposed amendment will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at that time concerning their views and wishes in the premises.

and any protest against any of the provisions of the proposed changes to the revised Zoning Resolution will be considered by the Planning Commission as by law provided.

WITNESS MY HAND AND SEAL this 13th day of February,
1967.

C. Bickley Foster, Secretary
Wichita-Sedgwick County Metro-
politan Area Planning Commis-
sion

(SEAL)

February 10, 1967

Mr. Justus H. Fugate
715 Beacon Building
Wichita, Kansas 67202

Subject: DR 67-2 - Amendment to County Zoning
Resolution re: Concrete and Asphalt Mixing
Plants as a Temporary Use in other than the
Industrial Districts

Dear Mr. Fugate:

As you will recall, at the meeting of the Metropolitan Area Planning Commission on January 26, 1967, the Commission authorized the staff to prepare an amendment to the County Zoning Resolution permitting concrete and asphalt mixing plants as a temporary use in other than the industrial districts. Attached for your review is the proposed amendment which I would like to advertise for public hearing for the Planning Commission meeting on March 9, 1967.

I would appreciate any comments you might have regarding this proposed amendment prior to advertising for a public hearing on February 20, 1967.

If you have any questions concerning this matter, please call.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

cc: Associated Materials & Supply Co., Inc.
6015 North Broadway
Wichita, Kansas 67219

SECTION 11 - SUPPLEMENTAL REGULATIONS, COUNTY ZONING RESOLUTION

Amend 11.F to read as follows:

F. Special Permit. The Governing Body may, by special permit and subject to such restrictions as it deems necessary, permit the following uses to be located in any district:

1. Any public structure, installation or use erected and used by any department of the City, County, State or Federal Government, or any building or other structure erected and used by any public utility or improvement district subject to F.3. below.

2. As a temporary use, not to exceed ^{the life of the contract,} ~~one (1) year~~, concrete and asphalt mixing plants, and accessory construction yards and buildings, provided they are associated with a contract with any department of the City, County, State or Federal Government, and subject to F.3. below.

3. The Governing Body shall not issue a special permit for the uses in F.1. and F.2. above until after →

~~public hearing shall have been held before the Metropolitan Area Planning Commission in accordance with the provisions of Section 14.A.2 and Section 14.C of this Resolution.~~
reviews the request and makes a recommendation to the governing body; and until the provisions of Section 14 A 2 of this Resolution have been complied with.